



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

March 30, 2020

Via ECF

The Honorable P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

**Re: *United States v. Juan Antonio Hernández Alvarado*,
S2 15 Cr. 379 (PKC)**

Dear Judge Castel:

The Government writes to update the Court on the status of the above-referenced matter. On February 24, 2020, the Court granted the defendant's request for new counsel ("Current Counsel") in connection with his sentencing. (Dkt. 134). On that date, the Court also adjourned the defendant's sentencing to April 15, 2020. (*Id.*). On or about March 12, 2020, the Government understands that Current Counsel notified the Court that it believes that a conflict exists concerning Current Counsel's representation of the defendant. (*See* Dkt. 142). On March 12, 2020, the Court scheduled a conference for March 19, 2020, so that the Court could consider the potential conflict, and possibly appoint new counsel from the Criminal Justice Act panel, Peter Brill, Esq., ("New Counsel") for the defendant. (*Id.*). On March 18, 2020, the Court adjourned the conference to March 31, 2020. (Dkt. 143).

Due to complications arising from the current Coronavirus pandemic, neither Current Counsel nor New Counsel have been able to meet with the defendant to discuss this potential conflict. Further, the United States Marshals Service has informed the Government that it is unable to produce the defendant for Tuesday's conference. However, the Government understands that defense counsel is now able to consult with the defendant by video conference, and the Government has been informed that Current Counsel has requested a video conference with the defendant for this week. As such, the Government respectfully requests that the Court adjourn the upcoming conference two weeks, and that, by no later than April 10, 2020, the parties update the Court concerning the replacement of counsel. At that time, the parties anticipate that they may be able to inform the Court that the defendant has been told about the existence of this potential conflict, and the Court may be able to appoint new counsel, if necessary, without an appearance by the parties in Court.

Hon. P. Kevin Castel
March 30, 2020

Page 2

Finally, sentencing in this matter is currently scheduled for April 15, 2020. If New Counsel is appointed, the Government respectfully submits that no more than a one-month adjournment of this date, to on or about May 15, 2020, is necessary. A one-month adjournment would provide New Counsel with approximately five weeks to prepare for sentencing. Particularly given that the defendant's trial counsel has already submitted a sentencing submission, and that the defendant was granted new counsel, at his request, on the eve of his previously scheduled sentencing, no further delay is warranted.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney

By: /s/
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Cc: Defense Counsel (Via ECF and Electronic Mail)
Peter Brill, Esq. (Via Electronic Mail)

The conference originally scheduled for March 31, 2020 is adjourned to April 15, 2020 at 2:00 p.m.

The sentencing originally scheduled for April 15, 2020 is adjourned to June 5, 2020 at 11:30 a.m.

SO ORDERED.

A handwritten signature in black ink, reading "P. Kevin Castel", written over a horizontal line.

P. Kevin Castel
United States District Judge

March 30, 2020